

215  
Berenbaum 7-2-3-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): Berenbaum et al.  
Case: 7-2-3-3  
Serial No.: 09/538,670  
Filing Date: March 30, 2000  
Group: 2154  
Examiner: Larry Donaghue

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Signature: John Manning Date: March 24, 2003

Title: Method and Apparatus for Allocating Functional Units in a Multithreaded VLIW Processor

Statement Under 37 C.F.R. §3.73(b)

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Assistant Commissioner for Patents  
Washington, D.C. 20231

APR 02 2003

Technology Center 2100

Sir:

Applicants submit herewith a Statement Under 37 C.F.R. §3.73(b) in the above-referenced application.

Respectfully submitted,

Kevin M. Mason

Date: March 24, 2003

Kevin M. Mason  
Attorney for Applicants  
Reg. No. 36,597  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06430  
(203) 255-6560



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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Agere Systems Inc.

Application No./Patent No.: 09/538,670 Filed/Issue Date: March 30, 2000

Entitled: Method and Apparatus for Allocating Functional Units in a Multithreaded VLIW Processor

Agere Systems Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

**Technology Center 2100**

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventor(s) To: Lucent Technologies Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 010714, Frame 0577, or for which a copy thereof is attached.

2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 24, 2003  
Date

Kevin M. Mason, Reg. No. 36,597  
Typed or printed name

Kevin M. Mason  
Signature

Attorney for Applicant(s)  
Title

**EXECUTION COPY**

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**PATENT ASSIGNMENT**

**by and between**

**LUCENT TECHNOLOGIES INC.**

**and**

**AGERE SYSTEMS GUARDIAN CORP.**

**Dated as of January 30, 2001**

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## PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

### RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).


ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Herrmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

**LUCENT TECHNOLOGIES INC.**

By:   
Daniel P. McCurdy  
President, Intellectual Property Business

**AGERE SYSTEMS GUARDIAN CORP.**

By:   
Fred M. Romano  
President

ACKNOWLEDGMENTS

STATE OF NEW JERSEY )

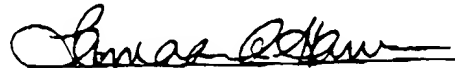
: SS:

COUNTY OF SOMERSET )

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and

b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name TAMORA ANNE HANNA  
 Notary Public Notary Public of New Jersey  
 My Commission Expires Registered in Hunterdon County  
 [Notarial Seal] My Commission Expires March 25, 2002

STATE OF FLORIDA )

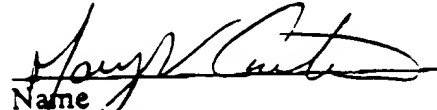
: SS:

COUNTY OF ORANGE )

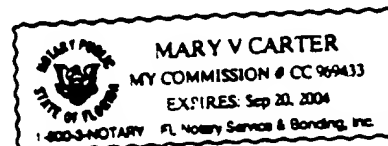
I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and

b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.



Name  
 Notary Public  
 My Commission Expires:  
 [Notarial Seal]



APPENDIX B (continued)  
Transferred Patents

Case Name	Filing Date	Issue Date	Patent No.	Serial No.
Bays 10-8-2	1/6/2000			09/478714
Bays 6-16-8-4	8/27/1998		09/141511	
Bays 7-19-1-2-7-8-2-6	7/22/1998		09/120126	
Bays 8-3-1-9-1	2/26/1999			09/257954
Bays 9-4-2-10	10/5/1999			09/412491
Belhaj 1	4/8/1999			09/288014
Belhaj 2	10/2/1998			09/165156
Belhaj 4-65-61-17	5/28/1999			09/321763
Belhaj 5	10/28/1999			09/428468
Belhaj 7	7/26/1999			09/360689
Belk 2-22-5-15-1-15-8-15	11/1/1999			09/432725
Belk 3	4/1/1999			09/283392
Belk 4	4/1/1999			09/283393
Belk 5	4/1/1999			09/283394
Belk 6-7	4/1/1999			09/283395
Belk 7-24-6-14-2-16-10-16	3/15/1999			60/124478
Bell 1-10	2/4/1999			09/244995
Bencivenga 2	4/13/1998	5/16/2000	6065145	
Benesty 2-1-6-13	1/6/1999			09/228772
Benesty 4-3-8-15	11/2/1999			09/431847
Benesty 5	9/14/1999			09/395834
Benesty 6-9	12/28/1999			09/473547
Benesty 7-17-1	2/4/2000			09/498561
Benesty 9-5	7/21/2000		09/621103	
Benevit 1-1-1-2-1	11/5/1999			09/434961
Benyamin 1-1-1	5/28/1999			09/321901
Berenbaum 10-5-6-6	3/30/2000			09/538757
Berenbaum 5-28-14	9/29/1997		08/939746	
Berenbaum 7-2-3-3	3/30/2000			09/538670
Berenbaum 8-3-4-4	3/30/2000			09/538669
Berenbaum 9-4-5-5	3/30/2000			09/538755
Berger 2-7Re	4/29/1994		08/236742	
Berthoud 14-2-4	3/25/1999			09/276155
Berthoud 15-13-5	6/15/1999			09/333046
Berthoud 16-14-6	7/8/1999			09/349708
Berthoud 2-5-3-1-2	4/10/1998		09/058190	
Bessios 1	5/11/2000			09/569129
Besz 3-3-23-10	4/14/1999			09/291677
Betker 4-3	5/7/1998	7/18/2000	08/646159	6092186
Betker 6-5-1-6	8/18/1998	4/18/2000	6052766	
Bevk 13-4-4-6-5	6/10/1998		09/095231	
Bevk 14	7/22/1998		09/120451	
Bevk 15	2/26/1999			09/259028
Bevk 16	8/29/2000		09/650038	
Bevk 4-11-6	5/22/1989		07/356578	
Bevk 8-1-1	3/8/1998		08/612701	
Bevk 9	7/29/1997		08/902044	
Bhawmik 2-4-1	2/12/1998		09/022759	
Bhawmik 3-12-8-1	6/15/1998		09/097488	
Bhawmik 4	10/29/1998			09/182543
Bhawmik 5-1-7	6/23/1999			09/338338
Bhawmik 6-13-2	10/27/1999			09/428242
Bhawmik 7-14-3	9/29/1999			09/408371
Bhowmik 1-52-42	12/22/1998			09/218649
Bhowmik 2-9-1-70-88	3/25/1999			09/276034
Bhowmik 3-73-92-4	10/14/1999			09/418106
Bhowmik 4-80-6-95-2	3/6/2000			09/519193
Bhowmik 7-2-116-5-129	10/6/1999			09/413258
Bhowmik 8-12-132-2	4/14/2000			60/197283
Bibler 1	11/15/1996		08/749719	



# Delaware

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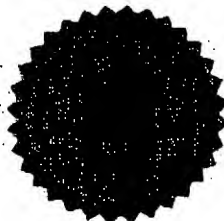
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3268412 8100M

020545223

AUTHENTICATION: 1959517

DATE: 08-29-02

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 08/29/2002  
020545223 - 3268412

**CERTIFICATE OF OWNERSHIP AND MERGER**

**OF**

**Agere Systems Guardian Corp.**  
**(a Delaware corporation)**

**INTO**

**Agere Systems Inc.**  
**(a Delaware corporation)**

**UNDER SECTION 253 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

**FIRST:** The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

**SECOND:** On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

**RESOLVED** that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

**THIRD:** That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

**AGERE SYSTEMS INC.**

By Paul Bento  
Paul Bento, Vice President